



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

11:11 A.M.

TUESDAY, March 2, 2010

The Senate met.

The Senate was called to order by President Risser.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Absent – None.

Absent with leave – 2 – Senators Darling and Olsen.

The Senate stood for the prayer which was offered by Presbyterian Minister Rev. Scott Anderson, Executive Director of the Wisconsin Council of Churches.

The Senate remained standing and Senator Robson led the Senate in the pledge of allegiance to the flag of the United States of America.

LEAVES OF ABSENCE

Senator S. Fitzgerald, with unanimous consent, asked that Senators Darling and Olsen be granted a leave of absence for today's session.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Assembly Bill 139** offered by Senator Carpenter.

Senate substitute amendment 1 to **Senate Bill 323** offered by Senator Lassa.

Senate amendment 3 to **Senate Bill 337** offered by Senator Coggs.

Senate amendment 1 to **Senate Bill 509** offered by Senator Taylor.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 332

Report correctly enrolled on 3–2–2010.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

Senate Bill 271

Senate Bill 292

Senate Bill 293

Senate Bill 308

Senate Bill 455

Presented to the Governor on 3–2–2010.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 573

Relating to: public access to certain shared law enforcement records.

By Senators Lehman, Hansen, Olsen and Taylor; cosponsored by Representatives Bies, Hraychuck, Brooks, Clark, Kestell, Mursau, Nerison, A. Ott, Petrowski, Schneider, Townsend, Zigmunt and Turner.

To committee on **Rural Issues, Biofuels, and Information Technology.**

Senate Bill 574

Relating to: exemption from execution for payments made to certain family farm businesses.

By Senators Harsdorf, Vinehout and Hansen; cosponsored by Representatives Vruwink, A. Ott, Clark, Spanbauer, Suder, Tauchen, Townsend and Vos.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 575

Relating to: meals that a bed and breakfast establishment may serve.

By Senators Miller, Taylor, Plale, Grothman, Risser and Lassa; cosponsored by Representatives Radcliffe, Roys, Kerkman, Ziegelbauer, Berceau, Ripp, Petrowski, Ballweg, A. Williams and Molepske Jr.

To committee on **Transportation, Tourism, Forestry, and Natural Resources.**

Senate Bill 576

Relating to: the requirement to pay a conversion fee for having land rezoned out of a farmland preservation zoning district.

By Senators Schultz, Harsdorf, A. Lasee, Cowles, Olsen, Kedzie and Kapanke; cosponsored by Representatives Davis, Ziegelbauer, Kerkman, Vos, Gunderson, Van Roy, Ripp, Townsend, Hubler, Mursau, Roth, Kestell, Spanbauer and LeMahieu.

To committee on **Agriculture and Higher Education**.

Senate Bill 577

Relating to: limiting eligibility for public assistance programs to U.S. citizens and qualifying aliens, requiring documentary proof of citizenship or satisfactory immigration status, granting rule-making authority, and providing a penalty.

By Senators Grothman, Schultz, Lazich, Darling, Leibham, Kapanke, Kedzie and Olsen; cosponsored by Representatives Mursau, Kleefisch, Ziegelbauer, Vos, Nygren, Kestell, Knodl, Suder, Newcomer, Van Roy, Nass, Kerkman, Pridemore, Roth, Bies, Davis, Honadel, LeMahieu, Meyer and Petrowski.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 578

Relating to: adding a member to the council on veterans programs.

By Senators Kreitlow, Taylor and Carpenter; cosponsored by Representatives Dexter, Suder, Hebl, Berceau, Mason and Petersen.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**.

Senate Bill 579

Relating to: designation of a corporation to receive funding for electronic health information exchange, creation of a corporation, and making an appropriation.

By Senators Kreitlow, Vinehout, Lehman, Risser, Lassa, Taylor, Plale, Darling and Wirch; cosponsored by Representatives Richards, Dexter, Pasch, Berceau, Turner, Molepske Jr., Vruwink, Suder, Seidel, Benedict, Grigsby, Shilling, Pocan, Stone, Rhoades and Hilgenberg.

To committee on **Rural Issues, Biofuels, and Information Technology**.

Senate Bill 580

Relating to: animals taken into custody.

By Senators Risser, Carpenter, Miller and Erpenbach; cosponsored by Representatives Pocan, Berceau, Black, Brooks, Hebl, Pasch and Pope-Roberts.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 581

Relating to: prohibiting social security numbers on instruments under the corporate registration system and on records under Article 9 of the Uniform Commercial Code.

By Senators Sullivan, A. Lasee, Taylor and Plale; cosponsored by Representatives Fields, Zigmunt, Vos, Berceau, Pope-Roberts, Townsend and Lothian.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**.

Senate Bill 582

Relating to: public, educational, and governmental access channel requirements for video service providers and interim cable operators.

By Senators Vinehout, Robson, Miller and Risser; cosponsored by Representatives Hebl, Smith, Berceau, Molepske Jr., Kessler, Pope-Roberts, Schneider, Black,

Garthwaite, Van Akkeren, Hilgenberg, Sherman, Bies, Roys, Hintz, Vruwink, A. Williams, Sinicki and Hubler.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 583

Relating to: the time period to petition to review an administrative decision.

By Senator Risser; cosponsored by Representative Molepske Jr.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Senate Bill 584

Relating to: mutual assistance between tribal and county or municipal law enforcement agencies.

By Senators Jauch, Coggs, Taylor, Harsdorf, Holperin, Vinehout, Schultz, Lehman, Miller and Grothman; cosponsored by Representatives Hraychuck, Turner, Sherman, Pasch, Hubler, Berceau, Ballweg, Mursau, Molepske Jr. and Vos.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 585

Relating to: prohibiting discrimination against an employee who declines to attend an employer-sponsored meeting or to participate in any communication with the employer or with an agent, representative, or designee of the employer, the primary purpose of which is to communicate the opinion of the employer about religious or political matters.

By Senators Coggs, Hansen, Lassa, Kreitlow, Wirch and Taylor; cosponsored by Representatives Van Akkeren, Sinicki, Milroy, Berceau, Black, Pope-Roberts, Pasch, Young, Pocan, Turner and Grigsby.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 586

Relating to: apprentice contracts, the appointment and composition of the Wisconsin Apprenticeship Council, requiring the exercise of rule-making authority, and providing a penalty.

By Senator Coggs; cosponsored by Representatives Toles, Sheridan and Sinicki.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 587

Relating to: commercial real estate liens and recording a correction instrument and a lis pendens.

By Senators Sullivan, Taylor, Plale, Jauch, Cowles and Darling; cosponsored by Representatives Richards, Hubler, Turner, Molepske Jr., Van Roy, Townsend, Smith, Gunderson, Petersen and Soletski.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**.

REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

Senate Bill 250

Relating to: accepting pupils under the full-time Open Enrollment Program.

Passage.

Ayes, 7 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen, Grothman and Hopper.

Noes, 0 – None.

JOHN LEHMAN
Chairperson

PETITIONS AND COMMUNICATIONS

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**SENATE AMENDMENT 1
TO 2009 SENATE BILL 426**

Prepared by the Legislative Reference Bureau
(March 2, 2010)

1. Page 1, line 2: delete “3” and substitute “4”.
2. Page 1, line 2: delete “in” and substitute “in the same”.
3. Page 1, line 3: delete “4” and substitute “5”.

***NOTE: Items 1. and 3. correct line numbers. Item 2. clarifies which instance on “in” is intended, consistent with the drafting record (two instances occur on the same line).

Pursuant to Senate Rule 17 (5), Senator Miller added as a cosponsor of **Assembly Bill 128**.

Pursuant to Senate Rule 17 (5), Senator Wirch added as a cosponsor of **Assembly Bill 614**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a cosponsor of **Assembly Bill 614**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 230**.

**REFERRALS AND RECEIPT OF COMMITTEE
REPORTS CONCERNING PROPOSED
ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 09–023

Relating to the Wisconsin potato marketing order.
Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, March 1, 2010.

Referred to committee on **Agriculture and Higher Education**, March 2, 2010.

**SECOND READING AND AMENDMENTS OF
SENATE JOINT RESOLUTIONS
AND SENATE BILLS**

Senate Bill 44

Relating to: adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 44**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 44

Read a third time and passed.

Senate Bill 418

Relating to: disclosure of information by health care providers and insurers and providing a penalty.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 614** be withdrawn from the committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** and taken up at this time.

Assembly Bill 614

Relating to: disclosure of information by health care providers and insurers and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 614

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – None.

Absent or not voting – Senators Darling and Olsen – 2.

Concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 418** be laid on the table.

Senate Bill 431

Relating to: the use of the terms college, university, state, and Wisconsin in the name of a school; the issuing, manufacture, or use of a false academic credential; the false use of a legitimate academic credential; making an appropriation; and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 431**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 431**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 431

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper,

Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, Lassa, Lazich, Lehman, Leibham, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 29.

Noes – Senators Grothman and A. Lasee – 2.

Absent or not voting – Senators Darling and Olsen – 2.

Passed.

Senate Bill 458

Relating to: the local regulation of ticket selling and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 458**?

Adopted.

Senator Decker, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 458** be laid on the table.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 458**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 458

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, Lassa, Lehman, Leibham, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 28.

Noes – Senators Grothman, A. Lasee and Lazich – 3.

Absent or not voting – Senators Darling and Olsen – 2.

Passed.

Senate Bill 517

Relating to: the Interstate Compact for the Placement of Children.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 517

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – None.

Absent or not voting – Senators Darling and Olsen – 2.
Passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 128

Relating to: authorizing a sheriff to depute certain security officers who are employed by the Department of Military Affairs.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 128

Read a third time and concurred in.

Assembly Bill 173

Relating to: the method by which the Department of Revenue makes certain calculations regarding tax incremental financing district number 4 in the village of Elmwood.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 173** be referred to committee on **Senate Organization**.

Referred.

Assembly Bill 213

Relating to: establishing and changing compensation for city and village elective offices; signing village contracts; bidding procedure for village public construction contracts; officer-of-the-peace status of village officers; publication by the city clerk of fund receipts and disbursements; village and 4th class city regulation of political signs; liability of counties and cities for mob damage; means of providing police and fire protection by cities and villages; holdover status of appointed city and village officers; use of the s. 32.05 procedure in villages for certain housing and urban renewal condemnation; and application of public contract bidder prequalification to 1st class cities.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 213

Read a third time and concurred in.

Assembly Bill 230

Relating to: electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 230

Read a third time and concurred in.

Assembly Bill 485

Relating to: required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from day care to child care the term used to describe care and supervision for children for less than 24 hours a day, and renumbering the definition of neglect.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 485

Read a third time and concurred in.

Assembly Bill 574

Relating to: lightweight utility vehicles and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 574

Read a third time and concurred in.

Assembly Bill 579

Relating to: special distinguishing registration plates associated with Marquette University.

Read a second time.

Senate amendment 1 to **Assembly Bill 579** offered by Senators Decker, Miller, Lassa and Kreitlow.

Senator Plale, with unanimous consent, asked that Senate amendment 1 to **Assembly Bill 579** be laid on the table.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 579

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

Senate Bill 44
Senate Bill 431
Senate Bill 458
Senate Bill 517
Assembly Bill 128
Assembly Bill 213
Assembly Bill 230
Assembly Bill 485
Assembly Bill 574
Assembly Bill 579
Assembly Bill 614

Messaged.

**ANNOUNCEMENTS, ADJOURNMENT HONORS,
AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Justin Enderby, from Pulaski High School, who won the Division 1 WIAA 119 pound state wrestling championship last weekend, with a record of 49–0.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Matt Pennings, from Green Bay Preble/East, who won the Division 1 WIAA 160–pound championship, also with a 49–0 Senior Season.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the UW–Parkside Women’s Basketball Team and their Head Coach Jenny Kenesie, on their first–ever NCAA Division II postseason victory.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the U.S. Winter Olympic Team, which earned a record number of medals, and whose hockey team played the most exciting Gold Medal Hockey Game in Olympic history.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Edna Taylor, a dedicated educator, wife, and mother.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, March 4, 2010.

11:55 A.M.

Adjourned.